

Fresno, California

October 24, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andy Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Executive Pastor Dave Love of Clovis Hills Community Church gave the invocation, and Councilmember Sterling led the Pledge of Allegiance.

CERTIFICATE OF RECOGNITION TO THE MACERICH COMPANY, OWNER OF FASHION FAIR, FOR THEIR COMMITMENT TO AND INVESTMENT IN THE COMMUNITY - COUNCILMEMBER WESTERLUND

Presented.

PRESENTATION OF THE 2006 ORCHID AWARDS - COUNCILMEMBER CALHOUN

Presented.

Add-on: PRESENTATION TO COUNCILMEMBER DAGES BY THE YOUTH LEADERSHIP INSTITUTE FOR HIS SUPPORT AND PARTICIPATION TO REDUCE UNDERAGE DRINKING

Presentation made.

PRESENTATION OF FRESNO AREA EXPRESS DRIVER APPRECIATION AWARDS

Presented.

Add-on: HAPPY BIRTHDAY TO CITY CLERK BECKY KLISCH

Birthday wishes extended and a cake and flowers were presented.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE FALL QUARTER

Certificates of Appreciation were presented to: Terri Saldivar, Mayor/Council/City Manager/City Clerk/Call Center; Pamela Venderpoel, Airports Department; Jerome Nunnally, Randy Schrantz (**2 - 0**) and Crystal Giannopulos, Fire Department; Maria Rocha, Steve Benvcivengo and Harvey White, Fresno Area Express; Duane Myers, James Vantassel and Paul Schramm, General Services Department; Kari Alverson and Gavin Haubelt, Information Services Department; LaDonna Russell, Paul Melikian and Wendi Danyluk, Parks, Recreation & Community Services Department; Melany Felton, Personnel Services Department; Nick Tillis and John Giannetta, Planning & Development Department; Sylvia Echeverria, Troy Wise, Chris Lee and Bev Hovsepian, Police Department; Chris Weibert, Cheryl Spencer, Art Rocha, Carla Watkins, Frank Ellison and Ronnie Watts, Department of Public Utilities; and Carl Farmer, Dan Workman, Fabiola Lopez, Rob Ebel and Phil Tarvin, Public Works Department. A reception was held immediately following to honor the employees.

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RECESS - 9:42 A.M. - 9:54 A.M.

APPROVE MINUTES OF OCTOBER 17, 2006

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the minutes of October 17, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER BOYAJIAN: Closure of the underpass at Christmas Tree Lane for clean up and rehabilitation and thank you to staff.

COUNCILMEMBER DAGES: Thank you to the Police Department and neighborhood in southeast Fresno for banding together to remove Bulldog gang member renters.

COUNCILMEMBER WESTERLUND: (1) Commendation to PRIDE team for all their work; (2) report pursuant to AB 1234 on attendance at the Denver Urban Land Institute conference; and (3) thank you to Congressional delegation and all involved for language inserted in the 144th Fighter Wing defense appropriation Bill.

ACTING PRESIDENT PEREA: Commendation to the City Clerk's Office for getting a passing grade in Fresno Bee spot check for public records compliance.

COUNCILMEMBER CALHOUN: (1) Concern with California ranked 40th in the nation in terms of students continuing on to college and need for City of Fresno to be a player in the higher education process; and (2) request for information on status of Convention Center upgrades and expenditure of funds.

COUNCILMEMBER STERLING: (1) Happy Birthday wishes extended to City Clerk Klisch; (2) Prayers and best wishes offered to Officers Shipman and Messick and their families; (3) recognition of Dr. Ulysses Curry on his retirement and contributions to the community; (4) thank you to Mayor and Parks & Recreation staff on the Dickey Development Center groundbreaking event; and (5) early darkness and request additional security be provided to employees walking to the Promenade parking lot.

COUNCILMEMBER WESTERLUND: Prayers extended to Police Officers Shipman and Messick and concern expressed with spike in violence against police officers.

PRESIDENT DUNCAN: Reiteration of request for schedule/duties of the Code Enforcement staff person assigned to address illegal/bootleg yard and company signs

APPROVE AGENDA:

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, **RESOLVED**, the **AGENDA** hereby approved as presented, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to Items **1-A**, **1-D**, **1-F** and **1-H**.

Councilmember Calhoun pulled Item **1-C** and Councilmember Boyajian pulled Item **1-G** from the Consent Calendar for separate discussion/action at 2:00 p.m.

(1-A) RESOLUTION NO. 2006-468 - APPROVING THE TRANSFER OF \$2,000,000 FROM CONTINGENCY TO FUND UNANTICIPATED PROPERTY AND LIABILITY CLAIMS FOR THE REMAINDER OF FY 2007

(1-B) (Removed)

(1-D) APPROVE INCREASE IN STIPEND FOR PLANNING COMMISSIONERS

1. RESOLUTION NO. 2006-469 - 9TH AMENDMENT TO SALARY RES. 2006-257 INCREASING THE STIPEND FOR THE PLANNING COMMISSION FROM \$50 TO \$100 AND MODIFYING THE MAXIMUM OF MEETINGS PAID

(1-E) (Removed)

(1-F) APPROVE AN AMENDMENT TO THE AGREEMENT WITH JOHNSON ARCHITECTURE IN THE AMOUNT OF \$49,900 FOR THE DESIGN OF THE SANTA FE DEPOT PARKING LOT IMPROVEMENTS

(1-H) RESOLUTION NO. 2006-470 - 32ND AMENDMENT TO AAR APPROPRIATING \$26,200 IN THE PARKING DIVISION FOR MAINTENANCE ACTIVITIES AT PARKING GARAGE NO. 9 LOCATED AT 2020 MERCED STREET

Councilmember Boyajian complimented staff on the issue and stated this was a good partnership with the law firm.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Diane Corbin and Paula Savino spoke to the City's surplus funds and suggested some of the funds be used to provide housing facilities and services to the homeless and address the problem of abused animals.

William Broomfield advised of and extended invitations to Council to the Woodward Park Amphitheater Jazz concert fund-raiser this coming Saturday benefitting Camp Fresno **(3 - 0)**.

Barbara Hunt expressed concerns with (1) the attacks on police officers and (2) the Running Horse project, and submitted a map of the Edison Community Plan Land Use and Circulation Elements.

(2-A) DIRECT STAFF TO REPORT ON THE STATUS ON THE CONTRACT/PERFORMANCE FOR MV TRANSPORTATION FOR DEMAND RESPONSIVE PARATRANSIT SERVICES - COUNCILMEMBER WESTERLUND

Councilmember Westerlund apologized for the lack of a report but clarified no action would be taken and he just wanted an update, and spoke to the "budget-buster" issue of cab usage by MV to meet on-time performance and requested an update on that matter including staff's work and MV's performance. Assistant City Manager Rudd stated he was cautiously optimistic, advised the co-founder/co-owner of MV had taken a hands-on approach and significant improvements/changes had been made since this matter was last discussed in August, reported cab usage by MV had been reduced by 55%, stated staff felt another 4-6 weeks was needed to get a more accurate analysis of MV's ability to meet their contract and added staff could provide another update at that time, advised of meetings with the transition sub-committee who were pleased with the recent improvements, and advised discussions were currently on-going on how to reconcile the first eight months.

Dr. Ed Eames, ADA Advisory Committee Chair, concurred with Mr. Rudd's comments and stated he also was cautiously optimistic about the changes taking place, spoke to MV's commitment to provide the service and the importance of performance, and stated there was movement towards better service and his main concern was maintaining stability in the system once service gets to where it needs to be.

Councilmember Westerlund stated it was his understanding MV promised to cover the difference between what was budgeted for the taxi rides and what the actual cost was and stated that matter along with why it was allowed to languish for 8-9 months needed to be answered.

Speaking to the issue were: Barbara Hunt, who spoke to the importance and need to accommodate the disabled; and Steve Samuelian, California Consulting on behalf of MV, who spoke additionally to the improvements and the personal involvement and efforts of MV's owner, and introduced MV's new general manager, Don Johnson, who he stated was hired September 1st with 25 years of paratransit experience.

Upon question of Councilmember Dages Mr. Rudd stated the City was paying for the cab rides and the amount was approximately \$200,000 over their original bid. Councilmember Dages expressed his strong concern with MV's bid and the City subsidizing them, stressed the lowest bid does not always mean the best bid and asked what their bid was really worth, stated he was really upset and emphasized this was not the way to conduct business, expressed concern with giving MV another 4-6 weeks stating they were not consistent with their contract in terms of cab rides, stressed the City should not be subsidizing MV and their contract needed to be terminated, and stated the system was working before with Laidlaw, MV made a mockery of the City of Fresno, and requested staff schedule on the November 14th agenda consideration of contract termination.

Councilmember Westerlund reiterated he scheduled the matter to get information and an update to see if changes were made and services were being provided, and presented questions relative to whether staff was working on another formula for cab rides, if MV's bid was \$1.1 million lower than the next lowest bidder, if Laidlaw's bid was higher, and if another RFP would be issued if the contract is terminated and how long that process would take, with Mr. Rudd responding. Councilmember Westerlund stated he hoped MV would continue to make improvements and decrease their numbers even more knowing what is at stake. Councilmember Sterling stated she has also heard a lot of complaints and requested the report in November be timed. City Attorney Sanchez and Mr. Rudd responded to questions of Councilmember Boyajian and President Duncan relative to whether a reason is needed to not award to the lowest bidder, MV's contract term, if MV was one of the largest service providers in the nation, if MV's bid was significantly lower than the other bidders, when MV began providing the service, and if MV was currently in violation of their contract. There was no further discussion.

(9:15 A.M. "A") RESOLUTION NO. 2006-471 - RELATING TO THE TEMPORARY CLOSURE OF A PORTION OF ANY STREET WITHIN THE CITY FOR CELEBRATIONS, PARADES, AND/OR LOCAL SPECIAL EVENTS IN ACCORDANCE WITH THE CALIFORNIA VEHICLE CODE, as amended, adding a 90-day closure limitation

Assistant City Manager Rudd reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

A motion and second was made to adopt the resolution. Councilmember Westerlund noted the placement of the Christmas tree had become a hot button issue and presented questions relative to whether it was determined there was a hole in the code as to who had the authority to close streets, who had the authority prior to this resolution, definition of "temporary", if closures could go on for an indefinite period of time, and there being a need to limit the time for closures, with Mr. Rudd and City Attorney Sanchez responding. Councilmember Calhoun stated he felt six months would be a reasonable amount of time whereupon Councilmember Westerlund recommended 60-90 days stating six months was too long. City Manager Souza stated 90 days was an appropriate time line **(4 - 0)** that staff could live with.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-471 hereby adopted, as amended, adding a 90 day closure limitation, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
Noes	:	Duncan
Absent	:	None

(10:00 A.M.) HEARING TO CONSIDER THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-87, ORANGE AVENUE BETWEEN NORTH AVENUE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 99
1. RESOLUTION NO. 2006-472 - ESTABLISHING UUD NO. FRE-87

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Supervising Engineering Technician Polsgrove reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Mark Espinade, 600 W. Shaw, who requested confirmation that there would be no cost and this was a PG&E-funded issue, with City Attorney Sanchez and Councilmember Westerlund responding.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Sterling spoke in support stating this was an excellent project, it was a collaborative effort of the City and RDA with PG&E, and it would not impact the general fund, and made a motion to approve.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-472 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

(10:15 A.M.) WORKSHOP ON THE FIRE DEPARTMENT'S FIVE-YEAR STRATEGIC PLAN AND STANDARDS OF COVERAGE DOCUMENT

Fire Chief Bruegman gave an overview of the issue and an in-depth PowerPoint presentation on the Strategic Plan and Standard of Coverage document, all as contained in the staff report and written follow-along material as submitted.

Speaking to the issue were: Bill Milton, who spoke to the issues of safety and liability and the need for four firefighters per truck; and Barbara Hunt, who spoke to the importance of providing the department with resources needed.

Councilmember Westerlund thanked Fire Department staff for all their work and commended Chief Bruegman for his leadership, and along with Councilmembers Sterling, Calhoun and Boyajian presented comments and/or questions relative to the importance of getting to a Level 2 ISO rating, liability and if 3 firefighter per engine was the standard in the valley, what would be addressed in the department's Health & Wellness Program in terms of workers compensation, workers comp problems and complaints, the MRSA infection **(5 - 0)**, EMS and why a fire truck and American Ambulance both respond to calls, if the City and County were being cost efficient, past contractual agreements possibly resulting in inefficiencies, if different apparatus are used in rescue and emergency services, how revenues from new impact fees will be used, and if the increased fees have helped the department/affected the department. President Duncan thanked Chief Bruegman for the presentation and road map and stated the next step was to find funding now, and requested both documents be put on the internet stating they were very interesting and well done. There was no further discussion.

LUNCH RECESS - 12:09 P.M. - 2:04 P.M.

(10:45 A.M.) APPROVE APPROPRIATION OF UNANTICIPATED GENERAL FUND REVENUES

1. RESOLUTION - 31ST AMENDMENT TO AAR APPROPRIATING \$4,918,000 FOR VARIOUS PROJECTS IN THE GENERAL FUND; TRANSFERRING \$2,300,000 TO THE BLOSSER JUDGEMENT OBLIGATION DEBT SERVICE; TRANSFERRING \$3,500,000 FROM THE GENERAL FUND TO THE EMERGENCY RESERVE FUND; AND APPROPRIATING \$372,000 IN SAFER GRANT FUNDS IN THE FIRE DEPARTMENT FOR PERSONNEL COSTS ***(Failed, due to the need for 5 affirmative votes)***

2. RESOLUTION NO. 2006-473 - 5TH AMENDMENT TO THE PAR ADDING THIRTY-SIX (36) POSITIONS TO THE FIRE DEPARTMENT

City Manager Souza gave an overview of the issue, all as contained in the staff report as submitted. Council Special Budget Committee Chair/Acting President Perea stated this was a challenge that was a pleasure to work on and credited the taxpayer, the Mayor, the Administration and the Council for being in this position, thanked everyone involved on the collaborative effort and Council for submitting their priorities, advised public safety, particularly the Fire Department, quickly rose to the top of priority list, and stated a plan was in place that would address many areas and added this was a good opportunity to reinvest back into the community. A motion and second was made to adopt the resolutions.

Committee Member/Councilmember Dages concurred with Acting President Perea and stated he looked forward to Council's support. Committee Member/President Duncan thanked all involved for their input and added every request made was city-wide, thanked the Mayor for his willingness to work with the committee, relative to obtaining public input stated this plan went public last week with a press conference and advised the response he received from the public was overwhelmingly supportive, and clarified one-time monies would be used for one-time purposes and on-going funding for the Fire Department was based on the stable revenue source of property taxes which would be there when needed.

Speaking to the issue were: Bill Milton who spoke in support of using funds for public safety; Barbara Hunt, who recommended some funds be used to help the homeless; and Sara Hedgepeth-Harris, Fresno Housing Alliance, who spoke in support of the funds proposed for a Housing Trust Fund.

Councilmember Westerlund thanked everyone involved on the proposed spending plan, stated he did not agree with everything but felt it was a good start overall, and stated he agreed with the Fresno Bee on need to take time to obtain public input as this was the taxpayers' money and made a motion to table the matter to October 31st to hear the public's ideas.

A motion of Councilmember Westerlund, seconded by Councilmember Boyajian, to table the matter to October 31st at 6:30 p.m. for public input only failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Westerlund
Noes	:	Dages, Perea, Sterling, Duncan
Absent	:	None

Councilmember Calhoun stated he was hoping discussion would occur this date without a vote so he could present his ideas; stated he was very disappointed as millions of dollars were at issue, he had no idea the plan included a \$50 million bond, and he felt he had not had adequate time to research the plan, talk with staff or have his constituents weigh in; presented and elaborated his proposals to utilize some of the funding for the Wayside Horn Project and Herndon Avenue widening from Polk to Freeway 99 (**6 - 0**), and requested Council hold off on taking action this date, consider other suggestions and obtain input, and vote on the matter next week. City Manager Souza clarified the \$3.3million of Proposition 42 funds were not included in the discussion this date and explained, and added he did not believe the Wayside Horn Project was eligible for Prop 42 funds.

Councilmember Sterling thanked the Committee and upon her request Acting President Perea explained how the process worked, what the goal was, how priorities were submitted and considered, and how consensus was reached on the spending plan. Councilmember Sterling presented questions relative to whether each Council member was requested to submit a list of their priority street improvement projects to staff, if there was a time line on the disbursement of these surplus funds or project completion, and if staff was working on a criteria list for the \$3.3 million, with Mr. Souza responding. Councilmember Sterling stated she was ecstatic to see the Fire Department receive the recognition it deserves and to also see funding for a Housing Trust Fund and elaborated, and stated she appreciated the collaborative effort.

Councilmember Boyajian stated he did not look at this in terms of what he wanted and stated he was disappointed funding was not proposed for public utilities to help mitigate any rate increase, for land banking, or for neighborhood streets and elaborated, stated there were some parts of the plan he did support (i.e. the Trust Fund and Storyland/Playland) and explained, and spoke in support of the Wayside Horn Project stating train horns did impact a lot of people's lives.

Councilmember Dages stated he was proud of the Committee and the Administration and clarified everyone could have gone into meetings territorial and explained, stated everyone looked at this in terms of what was best for the entire city and not what was best for districts, spoke to the importance of paying off debt and to the accomplishment of going from a zero reserve when the Mayor took office to an over \$11 million reserve currently, and stated he hoped Council would look at this as what is right for the entire city.

Councilmember Westerlund stated he appreciated hearing everyone's perspectives adding this was a healthy process, and noted it appeared there would be a split vote and in the spirit of compromise made a motion that Council vote separately on each appropriation request by line item. Upon call, the motion died for lack of a second. Discussion continued with Mr. Souza, Assistant Public Works Director Kirn and Controller Rousseau responding to questions of Councilmembers Westerlund and Calhoun relative to issuance of bonds and what would be required, if funding for Storyland/Playland and the Housing Trust Fund was on-going or a one-time deal, if SAFER grant funds had nothing to do with the appropriation of the \$10.7 million, if it was correct that Prop 42 funds could not be used for new construction, what the City's ability was to absorb \$50 million in bonds, what the park bonds were going to cost, and the City's bonding capacity and credit rating. Councilmember Calhoun stated time was needed to get answers to questions, reiterated he knew nothing about the \$50 million bond until last Friday night, and stated he would vote no as he would never approve something without all the facts.

Mr. Souza clarified a memorandum from the Council President summarizing this plan was sent out to Council on October 11th so to say this was an unknown until Friday was not totally the case, and stated the bonding issue was a well thought-out strategy, it had not been willy-nilly, and it was done with much due diligence and added bonding was not something the Mayor or the Administration took lightly.

President Duncan clarified every request submitted was considered, emphasized the task was to compromise and everyone worked hard to compromise, stated there was an opportunity here to provide resources to the Fire Department and this was a good and fair proposal, and strongly encouraged a yes vote stating this plan represented a good spirit of compromise.

A motion of Acting President Perea, seconded by Councilmember Dages, to adopt the above entitled AAR amendment failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Dages, Perea, Sterling, Duncan
Noes	:	Boyajian, Calhoun, Westerlund
Absent	:	None

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-473 hereby adopted, by the following vote:

Ayes	:	Dages, Perea, Sterling, Duncan
Noes	:	Boyajian, Calhoun, Westerlund
Absent	:	None

President Duncan stated additional work would occur and this proposal or another would be brought back next week.

(11:00 A.M.) WORKSHOP ON THE MAYOR’S GANG PREVENTION INITIATIVE

(7 - 0) Chief Dyer gave an overview of the issue and a PowerPoint presentation which included the Objectives, Referral Process, Service Providers, and Fresno’s hosting of the U.S. Attorney’s Gang Initiative Summit on November 28-29.

Discussion ensued with Chief Dyer responding to questions and/or comments of Councilmembers Sterling, Westerlund and Calhoun relative to the public meetings conducted and if everything was now all coming together, how people can obtain information on the program/who the contact person is, if any funding has been spent on the task force to date, if there have been any budget changes, if middle schools were being targeted for prevention and if they are aware of this initiative, if activity around the Lowell Elementary School area was being targeted, where staff was located, previous concern that prevention services are already provided, amount budgeted for the initiative, if there was anything prohibiting the Police Department from tying into EOC or Workforce Investment Board to place youth directly into those service providers, hope that more than 50 validated gang members will be removed from the gang lifestyle, why gang members are classified “validated”, and if they are aware there are implications/enhancements if they are validated. Chief Dyer was thanked for the presentation and there was no further discussion.

(2:30 P.M.) HEARING ON REZONE APPLICATION NO. R-06-27 AND ENVIRONMENTAL ASSESSMENT FILED BY CAROLINA MORFINA, WEST SIDE OF N. EIGHTH STREET BETWEEN E. FLORADORA AND E. MCKINLEY AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-27, DATED SEPTEMBER 15, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-153 - ORDINANCE NO. 2006-152 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the staff report as submitted was complete and there was no new information to add.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled E.A. hereby adopted, and the above entitled Bill No. B-153 adopted as Ordinance No. 2006-152, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

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(3:00 P.M.) HEARING ON REZONE APPLICATION NO. R-05-95 AND ENVIRONMENTAL FINDINGS, FILED BY SELF-HELP ENTERPRISES, NORTHWEST CORNER OF E. JENSEN AND S. WILLOW AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-95, DATED MAY 11, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-154 - ORDINANCE NO. 2006-153 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/UGM TO R-2/UGM, FOR AN AFFORDABLE SENIOR HOUSING COMPLEX, as amended, adding a condition for senior housing

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the staff report as submitted was complete and there was no new information to add.

Barbara Hunt, 2475 S. Walnut, spoke to boundary concerns.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Dages stated he wanted the senior project to run with the land whereupon Planning & Development Director Yovino advised if a senior project was desired it could be made part of the motion as a condition of zoning.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled E.A. hereby adopted, and the above entitled Bill No. B-154 adopted as Ordinance No. 2006-153, as amended, adding a condition for senior housing, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

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(3:15 P.M.) INTRODUCTION OF BILL RELATING TO TEXT AMENDMENT APPLICATION NO. TA-06-02 - VARIETY PAK NO. 3 (*Introduce the text amendment and lay over to October 31, 2006, at 3:00 p.m. for adoption*)

1. BILL - (ALTERNATIVE A) ADOPTING TA-06-02 AND ENVIRONMENTAL FINDINGS AS RECOMMENDED BY THE PLANNING COMMISSION, INITIATED BY THE PLANNING & DEVELOPMENT DEPARTMENT DIRECTOR, AMENDING THE TEXT OF THE FMC ZONING ORDINANCE TO SIMPLIFY AND STREAMLINE THE CODE AND PROPOSING CHANGES AND ADDITIONS AS DIRECTED BY THE ADOPTION OF THE 2025 GENERAL PLAN TO BEST PROMOTE ITS IMPLEMENTATION

2. BILL NO. B-155 - (ALTERNATIVE B) ADOPTING TA-06-02 AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PLANNING & DEVELOPMENT DEPARTMENT DIRECTOR, AMENDING THE TEXT OF THE FMC ZONING ORDINANCE TO SIMPLIFY AND STREAMLINE THE CODE AND PROPOSING CHANGES, INCLUDING LANGUAGE REFERENCING AIRPORT SPECIFIC PLAN APPLICABILITY, AND ADDITIONS AS RECOMMENDED BY THE AIRPORT LAND USE COMMISSION, AS DIRECTED BY THE ADOPTION OF THE 2025 GENERAL PLAN TO BEST PROMOTE ITS IMPLEMENTATION, as amended, with the “drop-down” provision to continue for one year

Planning & Development Director Yovino gave an in-depth overview of the issue and explained the two alternatives before Council, advised the biggest remaining issue was elimination of the “drop-down” provision and spoke to the building industry’s concern with the elimination and their request for a one year delay in the effective date of the elimination, advised there would be several amendments to the West Area Community Plan to best allow these provisions to work and they would be presented at the next meeting, and recommended Alternative “B” be introduced.

Speaking to the issue were: Harley Turner, who expressed concerns stating alot would be lost with this Variety Pak and explained, and recommended it go back out for community input; Barbara Hunt, 2475 S. Walnut, who expressed various concerns (**8 - 0**); and Don Pickett, Don Pickett & Associates, who spoke in support of Section 12-1211-1 (voluntary mergers) and requested the 90 day process be changed to 30-45 days.

Upon question of Acting President Perea, Mr. Yovino explained the alternatives, staff's recommendation, and the building industry's alternative request, whereupon Acting President Perea made a motion to introduce Alternative "B" as amended to allow the "drop-down" provision to continue for one year from the date of final passage as requested by the building industry, which motion was seconded by President Duncan. Councilmember Calhoun stated he preferred to have a six month provision instead of one year as he felt that was too long, and offered an amendment to the motion to have the "drop-down" provision take effect on July 1, 2007. Upon call, the motion died for lack of a second.

Mr. Yovino and City Attorney Sanchez responded to questions of Councilmembers Boyajian and Westerlund on various sections relating to densities, mini storage facilities, planned developments under two acres, building heights, the "S/L" zone district, parking requirements, waste containers, regional shopping centers, plan deviations, purpose of minor revisions being made, infill development complaints received, if this Variety Pak conformed to the MEIR, if the "drop-down" density amendment would constitute a moderate environmental affect, car-pooling spaces at shopping centers, E.A. ratings, if the 12-month "drop-down" was properly assessed from a CEQA standpoint, number of people that would be lost with dropped densities for one year, if the effective date for elimination of the "drop-down" would be written into the ordinance, staff's position on Mr. Pickett's request for 30-45 days versus 90 days, normal time line for a covenant, and if language in State law needed to be followed.

Councilmember Calhoun stated he was still concerned with the one year "drop-down" provision and offered another motion.

A motion of Councilmember Calhoun, seconded by Councilmember Sterling, to vote on the "drop-down" provision time line separately from the rest of the Variety Pak failed, by the following vote:

Ayes	:	Calhoun, Sterling
Noes	:	Boyajian, Dages, Perea, Westerlund, Duncan
Absent	:	None

Councilmember Sterling noted there were supposed to be components for affordable housing and presented questions relative to her concern with inclusionary densities, smaller lot (5,000 square feet) guarantees, and gated communities providing affordability. Councilmember Sterling stated she could not support this as many constituents and groups were opposed and as a member of the 10 x 10 Committee she was concerned with affordable housing.

On motion of Acting President Perea, seconded by President Duncan, duly carried, **RESOLVED**, the above entitled Bill No. B-155 introduced before the City Council, as amended, and laid over to October 31, 2006, for adoption, by the following vote:

Ayes	:	Boyajian, Dages, Perea, Westerlund, Duncan
Noes	:	Calhoun, Sterling
Absent	:	None

(2-B) DISCUSSION AND DIRECTION REGARDING A DEVELOPMENT MORATORIUM, A LIMITATION ON THE NUMBER OF DEVELOPMENT ENTITLEMENTS, AND ADOPTION OF MAJOR STREET IMPACT FEES - COUNCILMEMBER CALHOUN

1. DIRECT STAFF TO RETURN WITH OPTIONS INCLUDING THE PROCESS AND CRITERIA FOR PLACING A MORATORIUM ON NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENT UNTIL THE ISSUE OF NEW STREET IMPACT FEES HAS BEEN ACTED ON BY COUNCIL

2. DIRECT STAFF TO RETURN WITH A POLICY ESTABLISHING AN ANNUAL LIMIT ON THE NUMBER OF DEVELOPMENT ENTITLEMENTS ISSUED

3. DIRECT STAFF TO RETURN WITH A RESOLUTION AMENDING THE MASTER FEE SCHEDULE ADOPTING THE MAJOR STREET IMPACT FEE AS SUBMITTED AND RECOMMENDED BY STAFF AND PREPARED BY MUNI-FINANCIAL

Laid over one week at a time certain by Councilmember Calhoun.

(2:00 P.M.) CONTESTED CONSENT CALENDAR:

(1-C) APPROVE AMENDMENT TO AGREEMENT WITH PAUL PIERCE FOR CONSULTING SERVICES RELATED TO SUPERVISOR TRAINING

Personnel Services Director Bond responded to questions, comments and concerns of Councilmember Calhoun relative to the need for staff to include more information in the report on the RFP process, the \$200 an hour/ \$116,200 for eight months work raising big flags as to whether Mr. Pierce competed with anyone else, and how that cost could be justified **(9 - 0)**. A motion and second was made to approve staff's recommendation. Councilmember Boyajian noted Mr. Pierce was an ex-city employee and stated just looking at that could be a real issue of bias and added the lack of information in the staff report on who was in the running could also be interpreted as bias.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the first Amendment to the above entitled Consultant Agreement hereby approved, and the Personnel Services Director authorized to execute the Amendment on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(1-G) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH PETERS ENGINEERING FOR DESIGN OF PLANS AND CONSTRUCTION DOCUMENTS FOR INTERSECTION IMPROVEMENTS AT WILLOW AND SHEPHERD AVENUES

Upon questions of Councilmember Boyajian, Design Services Manager Krauter confirmed Peters Engineering was the same firm that conducts the City's traffic studies and he did not know if anyone else applied for this. Councilmember Boyajian stated he felt there was a conflict of interest here and he could not support it.

On motion of President Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Professional Services Agreement hereby approved, and the City Manager or designee authorized to sign the Agreement on behalf of the City, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
noes : Boyajian
Absent : None

The City Council recessed at 5:12 p.m. and convened in joint session with the Redevelopment Agency.

(3:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

APPROVE AGENCY MINUTES OF OCTOBER 17, 2006

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the Agency minutes of October 17, 2006, approved as submitted.

(“A”) APPROVE THE ACQUISITION OF TWO (2) EASEMENTS AT THE SOUTHWEST CORNER OF N. CEDAR AND E. SHIELDS AVENUES FROM HEADLINER DEVELOPMENT COMPANY FOR THE DECORATIVE STREET PAVING PROJECT

Senior Real Estate Agent Hansen reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt spoke to the issue.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the acquisition of two pedestrian easements at the southwest corner of N. Cedar and E. Shields Avenues hereby approved, and the Public Works Director authorized to sign the necessary documents on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
Noes : None
Absent : None

The joint bodies adjourned their meeting at 5:14 p.m.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(“C”) JOINT SESSION WITH THE REDEVELOPMENT AGENCY - ANTICIPATED LITIGATION: REDEVELOPMENT AGENCY V. OLD ARMENIAN TOWN, LLC

Removed from the Agenda.

(“A”) EXISTING LITIGATION: CITY OF FRESNO V. PINEDALE COUNTY WATER DISTRICT

The City Council met in closed session in Room 2125 at the hour of 5:15 p.m. to consider the above matter and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:18 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the ____31st____ day of ____November____, 2006.

_____/s/_____
Jerry Duncan, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk